

Adopted	Rejected
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COMMITTEE REPORT

YES: 10

NO: 0

MR. SPEAKER:

Your Committee on Agriculture and Rural Development, to which was referred Senate Bill 314, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 natural and cultural resources and agriculture and animals.
- 4 Between the enacting clause and page 1, begin a new paragraph and
- 5 insert:
- 6 "SECTION 1. IC 14-8-2-318 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 318. "Wild
- 8 animal" has the following meaning:
- 9 (1) For purposes of IC 14-22, except as provided in subdivision
- 10 (2), an animal ~~whose species usually:~~
- 11 ~~(A) that lives in the wild. or~~
- 12 ~~(B) is not domesticated.~~
- 13 (2) For purposes of IC 14-22-38-6, the meaning set forth in
- 14 IC 14-22-38-6.
- 15 SECTION 2. IC 14-22-1-1 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) All wild
2 animals ~~except those that are:~~

3 (1) ~~legally owned or being held in captivity under a license or~~
4 ~~permit as required by this article; or~~

5 (2) ~~otherwise excepted in this article;~~

6 are the property of the people of Indiana.

7 (b) The department shall protect and properly manage the fish and
8 wildlife resources of Indiana.

9 SECTION 3. IC 14-22-2-6 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The director
11 shall adopt rules under IC 4-22-2 to do the following:

12 (1) Establish, open, close, lengthen, suspend, or shorten seasons.

13 (2) Establish bag, sex, and size limits.

14 (3) Establish limitations on the numbers of hunters and fishermen.

15 (4) Establish the methods, means, and time of:

16 (A) taking, chasing, transporting, and selling; or

17 (B) attempting to take, transport, or sell;

18 wild animals, ~~or exotic mammals~~, with or without dogs, in Indiana
19 or in a designated part of Indiana.

20 (5) Establish other necessary rules to do the following:

21 (A) Administer this chapter.

22 (B) Properly manage wild animals ~~or exotic mammals~~ in a
23 designated water or land area of Indiana.

24 (6) Set aside and designate land or water or parts of the land or
25 water owned, controlled, or under contract or acquired by the state
26 for conservation purposes as a public hunting and fishing ground
27 under the restrictions, conditions, and limitations that are
28 determined to be appropriate.

29 (b) Rules:

30 (1) may be adopted only after thorough investigation; and

31 (2) must be based upon data relative to the following:

32 (A) The welfare of the wild animal.

33 (B) The relationship of the wild animal to other animals.

34 (C) The welfare of the people.

35 (c) Whenever the director determines that it is necessary to adopt
36 rules, the director shall comply with the following:

37 (1) Rules must clearly describe and set forth any applicable
38 changes.

1 (2) The director shall make or cause to be made a periodic review
2 of the rules.

3 (3) A copy of each rule, as long as the rule remains in force and
4 effect, shall be included and printed in each official compilation
5 of the Indiana fish and wildlife law.

6 (d) The director may modify or suspend a rule for a time not to
7 exceed one (1) year under IC 4-22-2-37.1.

8 SECTION 4. IC 14-22-20.5-2, AS ADDED BY P.L.93-2005,
9 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 UPON PASSAGE]: Sec. 2. As used in this chapter, "cervidae livestock
11 operation" means an operation that:

12 ~~(1) has a game breeders license issued by the department of~~
13 ~~natural resources under IC 14-22-20;~~

14 ~~(2) (1)~~ contains privately owned cervidae; and

15 ~~(3) (2)~~ involves the breeding, propagating, purchasing, selling,
16 and marketing of cervidae or cervidae products;

17 but does not involve the hunting of privately owned cervidae.

18 SECTION 5. IC 14-22-31-4 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Upon receipt of
20 an application, the department shall do the following:

21 (1) Inspect the following:

22 (A) The proposed shooting preserve.

23 (B) The facilities for propagating the game birds. ~~or exotic~~
24 ~~mammals.~~

25 (C) The cover.

26 (D) The capability of the applicant to maintain such an
27 operation.

28 (2) If found feasible, approve the application and issue a license
29 to the applicant.

30 SECTION 6. IC 14-22-31-7 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. A person issued
32 a license under section 4 of this chapter may propagate and offer for
33 hunting the following animals that are captive reared and released:

34 (1) Pheasant.

35 (2) Quail.

36 (3) Chukar partridges.

37 (4) Properly marked mallard ducks. ~~and~~

38 (5) Other game bird species that the department determines by

rule.

~~(2) Species of exotic mammals that the department determines by rule.~~

SECTION 7. IC 14-22-31-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A person may not take game birds ~~and exotic mammals~~ on a shooting preserve unless the person has a hunting license required under this article, except nonresidents of Indiana who must possess a special license to shoot on licensed shooting preserves.

(b) The department:

(1) shall issue special licenses; and

(2) may appoint owners or managers of shooting preserves as agents to sell special licenses.

(c) A special license expires December 31 of the year issued.

(d) The fee for a special license is eight dollars and seventy-five cents (\$8.75). All fees shall be deposited in the fish and wildlife fund.

SECTION 8. IC 14-22-31-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The licensee of a shooting preserve shall issue a bill of sale designating game birds ~~or exotic mammals~~ lawfully taken upon the shooting preserve. The bill of sale must accompany all game birds ~~and exotic mammals~~ removed from the shooting preserve. The licensee shall retain a copy of all bills of sale issued to persons removing game birds ~~or exotic mammals~~ from the shooting preserve. The bills of sale are subject to inspection by the fish and wildlife division at any time.

SECTION 9. IC 14-22-32-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter does not apply to the following:

(1) Conservation officers or other law enforcement officers.

(2) Game birds ~~or exotic mammals~~ in shooting preserves licensed under IC 14-22-31.

~~(3) A person who takes a feral exotic mammal when the feral exotic mammal is causing damage to property that is owned or leased by the person.~~

~~(4) A person who is authorized by the department under extraordinary circumstances to take an exotic mammal.~~

SECTION 10. IC 14-22-32-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A person may

1 not do any of the following:

- 2 (1) Offer a game bird ~~or an exotic mammal~~ for hunting, trapping,
 3 or chasing by a person using a weapon or device that is not a
 4 shotgun, muzzle loading gun, handgun, or bow and arrow.
 5 (2) Hunt, trap, or chase a game bird ~~or an exotic mammal~~ with a
 6 weapon or device that is not a shotgun, muzzle loading gun,
 7 handgun, or bow and arrow.

8 SECTION 11. IC 14-22-32-5 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. If a person
 10 violates section 2(1) of this chapter, the department shall enter a
 11 recommended order to dispose of any game bird ~~or exotic mammal~~ the
 12 person owns, keeps, harbors, or otherwise possesses. Before the order
 13 becomes a final determination of the department, a hearing must be held
 14 under IC 4-21.5-3. The hearing shall be conducted by an administrative
 15 law judge for the commission. The determination of the administrative
 16 law judge is a final agency action under IC 4-21.5-1-6.".

17 Page 2, line 41, delete "quality," and insert "**quality from**
 18 **sediment,**".

19 Page 4, line 11, after "the" insert "**administrative**".

20 Page 4, line 12, delete "conservation." and insert "**conservation**
 21 **practices.**".

22 Page 13, after line 42, begin a new paragraph and insert:

23 "SECTION 31. IC 15-5-9-8 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) All money
 25 derived by the taxing of dogs under this chapter shall constitute a fund
 26 known as the township dog fund that the township trustee shall use in
 27 the manner provided in this chapter for the payment of the following:

- 28 (1) Damages, less insurance proceeds, sustained by owners of the
 29 following stock, fowl, or game killed, maimed, or damaged by
 30 dogs:
 31 (A) Sheep.
 32 (B) Cattle.
 33 (C) Horses.
 34 (D) Swine.
 35 (E) Goats.
 36 (F) Mules.
 37 (G) Chickens.
 38 (H) Geese.

- 1 (I) Turkeys.
 2 (J) Ducks.
 3 (K) Guineas.
 4 (L) Tame rabbits.
 5 ~~(M) Game birds and game animals held in captivity under~~
 6 ~~authority of a game breeder's license issued by the department~~
 7 ~~of natural resources.~~
 8 ~~(N) (M) Bison.~~
 9 ~~(O) (N) Farm raised cervidae.~~
 10 ~~(P) (O) Ratitae.~~
 11 (2) The expense of taking the Pasteur treatment for hydrophobia
 12 incurred by any person bitten by or exposed to a dog known to
 13 have hydrophobia, within any township of Indiana.
 14 (b) Any person requiring the treatment described in subsection (a)(2)
 15 may select the person's own physician.
 16 (c) No damages shall be assessed or paid under this chapter on sheep
 17 except where individual damage exists or is shown.
 18 (d) This subsection applies to a county whose legislative body has
 19 acted under this subsection. A county legislative body may designate
 20 by ordinance one (1) humane society located in that county to receive
 21 fifty cents (\$0.50) from each dog tax payment collected under this
 22 chapter.
 23 (e) A humane society designated under subsection (d) shall use the
 24 funds disbursed to the society to maintain an animal shelter.
 25 (f) If a county does not designate a humane society to receive
 26 payments under subsection (d), those amounts remain in the township
 27 dog fund."
 28 SECTION 32. THE FOLLOWING ARE REPEALED
 29 [EFFECTIVE UPON PASSAGE]: IC 14-8-2-87; IC 14-22-20.
 30 SECTION 33. [EFFECTIVE UPON PASSAGE] **(a) As used in this**
 31 **SECTION, "department" refers to the department of agriculture**
 32 **established by IC 15-9-2-1.**
 33 **(b) The legislative services agency shall prepare legislation for**
 34 **introduction in the 2007 regular session of the general assembly to**
 35 **organize the statutes concerning soil and water conservation and**
 36 **move the soil and water conservation statutes to IC 15-9, the article**
 37 **concerning the department.**
 38 **(c) This SECTION expires July 1, 2007.**

- 1 **SECTION 34. An emergency is declared for this act."**
- 2 Renumber all SECTIONS consecutively.
(Reference is to SB 314 as printed January 27, 2006.)

and when so amended that said bill do pass.

Representative Gutwein